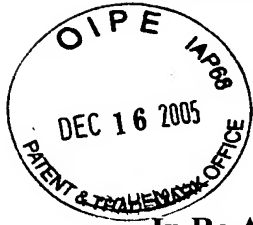


DOCKET NO.: CEPH-2249/CP241

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In Re Application of:**

**Craig Heacock, et al.**

**Confirmation No.: 1994**

**Application No.: 10/616,776**

**Group Art Unit: 1615**

**Filing Date: July 10, 2003**

**Examiner: Not Yet Assigned**

**For: MODAFINIL PHARMACEUTICAL COMPOSITIONS**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Pursuant to 37 CFR § 1.56 and in accordance with 37 CFR §§ 1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 CFR § 1.56(b).

Applicants note that Reference No. 76 on the attached Form PTO 1449, US 2004/0167225 A1 is being cited at this time to correct an error in the previous Supplemental Information Disclosure Statement, submitted on July 15, 2005. Reference No. 61 on the Form PTO 1449 of that submission, US 2004/0167255 A1 was submitted in error.

☒ In accordance with § 1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified

application, within three months of the date of entry into the national stage of the above identified application as set forth in § 1.491, before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of request for continued examination under § 1.114, no additional fee is required.

- ☐ In accordance with § 1.97(c), this Information Disclosure Statement is being filed after the period set forth in § 1.97(b) above but before the mailing date of either a Final Action under § 1.116 or a Notice of Allowance under § 1.311, or before an action that otherwise closes prosecution in the application, therefore:

- ☐ Certification in Accordance with § 1.97(e) is attached; or
- ☐ The fee of \$180.00 as set forth in § 1.17(p) is attached.

- ☐ In accordance with § 1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under § 1.113 or a Notice of Allowance under § 1.311 but before, or simultaneously with, the payment of the Issue Fee, therefore included are: Certification in Accordance with § 1.97(e); and the submission fee of \$180.00 as set forth in § 1.17(p).

- ☒ A copy of reference number **72** listed on the attached Form PTO-1449 is enclosed herewith.

- ☒ Copies of reference numbers **73 - 76** on the attached Form PTO 1449 are not required to be submitted pursuant to 37 CFR § 1.98(a)(2)(i).

- ☐ Copies of references - are not being submitted because they were previously cited by or submitted to the U.S. Patent and Trademark Office in patent application number , filed for

which a claim for priority under 35 U.S.C. § 120 has been made in the instant application.


☐ The relevance of those listed references which are not in the English language is as follows:

There are no listed references which are not in the English language.

Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050. This form is submitted in duplicate.

Date:

12/15/05

  
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<b>Form PTO-1449 Modified</b>  List of Patent and Publications Cited by Applicant (Use several sheets if necessary)  U.S. Department of Commerce Patent and Trademark Office	Docket No. CEPH-2249/ CP241	Application No. 10/616,776
	Applicant Craig Heacock, et al.	
	Filing Date July 10, 2003	Group 1615
	Confirmation No. 1994	
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>		
	72	Provigil® (modafinil) – FDA Approved Drafting Labeling, NDA 20-717, <a href="http://www.fda.gov/cder/foi/label/1998/20717lbl.pdf">http://www.fda.gov/cder/foi/label/1998/20717lbl.pdf</a> , 1998, 1-28
<b>EXAMINER</b>		<b>DATE CONSIDERED</b>

<b>Form PTO-1449 Modified</b>  List of Patent and Publications Cited by Applicant (Use several sheets if necessary)  U.S. Department of Commerce Patent and Trademark Office	Docket No. CEPH-2249/ CP241	Application No. 10/616,776
	Applicant Craig Heacock, et al.	
	Filing Date July 10, 2003	Group 1615
	Confirmation No. 1994	

### U. S. PATENT DOCUMENTS

Examiner Initial		Document No.	Date	Name	Class	Subclass
	73	4,329,363	05/11/82	Dorn, et al.	424	320
	74	5,281,607	01/25/94	Stone, et al.	514	280
	75	5,401,776	03/28/95	Laurent	514	618
	76	2004/0167225 A1	08/26/04	Singh, et al.	514	618

### FOREIGN PATENT DOCUMENTS

Examiner Initial		Document No.	Date	Country	Translation	
					YES	NO

<b>EXAMINER</b>	<b>DATE CONSIDERED</b>
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